

CAUSE NO. \_\_\_\_\_

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2016-CCL-00547  
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Sylvia Garza-Perez  
Clerk  
Cameron County Clerk

PAZ GARZA Individually and A/N/F § IN THE COUNTY COURT  
of XXXX XXXX minor, JUAN ANDRES §  
GARZA and STEPHANIE FRANCO § Cameron County - County Court at Law III  
PLAINTIFF §  
§  
VS. § AT LAW NO. \_\_\_\_\_  
§  
§  
OSCAR LARA §  
DEFENDANT § CAMERON COUNTY, TEXAS

**PLAINTIFFS' ORIGINAL PETITION  
AND FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT**

TO THE HONORABLE JUDGE OF SAID COURT:

*Comes Now* Plaintiff PAZ GARZA Individually and A/N/F of XXXX XXXX minor, JUAN ANDRES GARZA and STEPHANIE FRANCO, hereinafter referred to as Plaintiffs, complaining of and about Defendant OSCAR LARA, hereinafter referred to as Defendant, and for causes of action files this Plaintiff's Original Petition and First Set of Discovery Requests to Defendant. In support thereof, Plaintiffs respectfully shows unto the Court the following:

**A. Discovery Control Plan**

1.1 Plaintiffs intend to conduct discovery under Level 1 of Texas Rule of Civil Procedure 190. Because Plaintiffs seek monetary relief of over one hundred thousand but no more than two hundred thousand dollars.

**B. Parties and Service**

2.1 Plaintiffs are individuals residing in Cameron County, Texas.

2.2 Defendant OSCAR LARA is an individual who resides in Cameron County, Texas. Defendant may be served with process at 5 Glenbrook APT A. Brownsville, Texas 78521. Citation is requested at this time, and service of said Defendant will be effected by private civil processor.

### **C. Jurisdiction and Venue**

3.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

3.2 This Court has *in personam* jurisdiction over the Defendant because, at the time of the events and conditions giving rise to this lawsuit and/or at the time this lawsuit was filed, the Defendant was a resident of Texas.

3.3 This Court has subject matter jurisdiction over this action because Plaintiffs seek damages within the Court's jurisdictional limits.

3.4 Venue is proper in Cameron County, Texas, pursuant to Texas Civil Practice and Remedies Code §15.002(a)(1) because all or a substantial part of the events or omissions giving rise to Plaintiff's cause of action occurred in Cameron County, Texas.

### **D. Facts**

4.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

4.2 On or about February 27, 2016, Plaintiffs suffered personal injuries and other damages when the vehicle they were driving was struck by a 2000 Ford Mustang operated by Defendant OSCAR LARA.

### **E. Causes of Action**

5.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

**Count One - Negligence as to Defendant OSCAR LARA**

5.2 At the time of the subject incident, Defendant OSCAR LARA was operating his vehicle negligently. Defendant JOHN CLARK JR. had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Defendant JOHN CLARK JR. breached that duty in one or more of the following ways:

- a. Failing to control his speed; and/or
- b. Failing to maintain a proper lookout; and/or
- c. Failing to properly apply his brakes; and/or
- d. Failing to yield the right of way; and/or
- e. Following too closely; and/or
- f. Driver inattention.

Defendant OSCAR LARA 's negligence proximately caused Plaintiffs' injuries and other damages.

**F. Damages and Texas Rule of Civil Procedure 47(c) Disclosure**

6.1 Plaintiffs seek unliquidated damages in an aggregate amount that is within the jurisdictional limits of the Court. Pursuant to Texas Rules of Civil Procedure, Plaintiffs seek monetary relief over \$100,000 but no more than \$200,000.

**G. Conditions Precedent**

7.1 All conditions precedent have been performed or have otherwise occurred.

**H. Request for Disclosure**

8.1 Pursuant to Texas Rule of Civil Procedure 194, Plaintiffs request that Defendant disclose the information or material described in Rule 194.2(a) through (l) within fifty (50) days of the service of this Plaintiffs' Original Petition and First Set of Discovery Requests to Defendant.

**I. Discovery Requests**

9.1 Pursuant to the Texas Rules of Civil Procedure, Plaintiffs request that Defendant serve responses to Plaintiffs' First Set of Interrogatories and Requests for Production, attached hereto, within fifty (50) days of the service of this Plaintiffs' Original Petition and First Set of Discovery Requests to Defendant.

**J. Notice of Intent to Rely on Documents Produced**

10.1 Defendant is hereby placed on actual notice of Plaintiffs' intent to rely upon and to utilize any and all documents produced or incorporated by reference by Defendant in response to written discovery pursuant to Rule 193.7 of the Texas Rules of Civil Procedure.

**K. Prayer**

11.1 *Wherefore, premises considered,* Plaintiffs, respectfully pray that Defendant be cited to appear and answer this suit, and that Plaintiff ultimately has judgment against Defendant for the following:

- a. Physical pain in the past and future;
- b. Mental anguish in the past and future;
- c. Physical impairment in the past and future;
- d. Medical expenses in the past and future;
- e. Lost wages;
- f. Costs of suit;
- g. Pre-judgment and post-judgment interest; and
- h. All other relief, at law or in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

THE GREEN LAW FIRM, P.C.  
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By: /S/ Jorge A. Green  
JORGE A. GREEN  
State Bar No. 24038023  
LETICIA GARZA  
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***ATTORNEYS FOR PLAINTIFFS***

**PLAINTIFFS'S FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT**

***FIRST SET OF INTERROGATORIES TO DEFENDANT  
OSCAR LARA***

**Interrogatory #1:**

Describe how the collision occurred, including: (1) what you contend caused or contributed to the collision, (2) how it happened, (3) the road and weather conditions, and (4) the traffic conditions.

**Answer:**

**Interrogatory #2:**

Please state the purpose of your trip at the time of the collision, including where you had been, where you were going, and the time at which you were supposed to arrive at your destination.

**Answer:**

**Interrogatory #3:**

Who was driving the car at the time of the collision?

**Answer:**

**Interrogatory #4:**

Have you ever been sued or filed a lawsuit before? If so, please state (1) what the suit was about, (2) the county and state in which it was filed, (3) the style of the case, and (4) the disposition of the case, if resolved.

**Answer:**

**Interrogatory #5:**

Describe any previous car wrecks in which you have been involved. For each, please state (1) where the wreck happened, (2) who you believe was at fault, (3) whether a lawsuit was filed and (4) where you sought medical treatment for any injuries you sustained.

**Answer:**

**Interrogatory #6:**

Were you using a cell phone in any matter, including making or receiving a call, writing or reading a text message, or writing or reading an email, at the time of the collision?

**Answer:**

**Interrogatory #7:**

If you have been convicted of a felony or crime of moral turpitude in the last ten years, state the charge, the date and place of arrest, and county of conviction.

**Answer:**

**Interrogatory #8:**

Do you disagree with anything in the investigating officer's police report, including the additional narrative? If so, please state with what parts you disagree, why you disagree with them and why you did not change ask to amend the report.

**Answer:**

**Interrogatory #9:**

At what speed do you believe the vehicles involved were traveling immediately prior to the collision made the basis of this lawsuit?

**Answer:**

**Interrogatory #10:**

Describe in detail any and all conversations you had immediately following the collision until the time you left the scene. In your answer, please include: (1) with whom you spoke, (2) what the conversation was about, and (3) for about how long you spoke with each person.

**Answer:**

**Interrogatory #11:**

Do you intend to argue Plaintiff's injuries were not caused by the wreck? If so, state the basis for your belief, including facts supporting such contention.

**Answer:**

**Interrogatory #12:**

Describe the severity of the impact between the vehicles and the resulting visible damage to the vehicles.

**Answer:**

**Interrogatory #13:**

When did you first become aware of Plaintiffs' vehicle. Please state in both time (seconds or minutes) and distance (in feet).

**Answer:**



**Requests for Production**

**Request #1:**

All photographs by Defendant or Defendant's agent that relate to Plaintiff's cause of action, including photographs of Plaintiff, the vehicles involved in the collision, including Plaintiff's and Defendant's vehicles, and/or the scene of the collision.

**Response:**

**Request #2:**

A copy of any property damage estimates, of both Plaintiff, Defendant, or any other vehicle involved, in Defendant's or Defendant's agent's possession.

**Response:**

**Request #3:**

All oral, taped or recorded statements made by any witnesses, including Plaintiff and Defendant, to the subject collision which are in the possession, constructive possession, custody or control of the defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**Response:**

**Request #4:**

Please produce all documents that Defendant has, including all deposition testimony and trial transcripts, from any other lawsuits regarding personal injury in which Defendant, either in your personal capacity or on behalf of a minor or incompetent plaintiff, has been involved.

**Response:**

**Request #5:**

If and/or when an expert is retained by Defendant, please produce a copy of the expert's file, including: (1) all correspondence, including fee arrangements, between the expert and Defendant and/or Defendant's agents, including Defendant's attorney, (2) all materials and documents reviewed by the expert in preparing his or her report, (3) any slide-show, power point presentation, or other demonstrative evidence the expert will use at trial, and (4) a list of all the cases in which the expert has testified in the last 4 years.

**Response:**

**Request #6:**

Please provide a copy of any and all statutes, regulations, ordinances, or written rules or customs that Defendant intends to introduce at trial.

**Response:**

**Request #7:**

Please provide copies of any and all communications between Defendant's attorney and Defendant's insurance carrier.

**Response:**

**Request #8:**

Please execute the attached authorization for the release of Defendant's cellular phone records.

**Response:**

**Request #9:**

Please provide a copy of your driver's license in effect at the time of the collision.

**Response:**

**Request #10:**

Please provide copies of any and all medical records for treatment you have received following previous car wrecks.

**Response:**

**Request #11:**

Please provide a copy of all documents related to previous lawsuits in which you have been involved; specifically, please include (1) any and all petitions or complaints, (2) deposition transcripts of your testimony, and (3) your discovery responses.

**Response:**

**Plaintiff's Requests for Admissions to Defendant**

1. Admit you are familiar with the area in which the subject collision occurred.

**Response:**

2. Admit that you believe Plaintiff could not have done anything differently to avoid the collision.

**Response:**

3. Admit that you have previously received treatment from a chiropractor.

**Response:**

4. Admit that you have previously had an MRI performed on yourself.

**Response:**

5. Admit you have suffered pain because of a car wreck in which you were previously involved.

**Response:**

6. Admit that you caused the car wreck that is made the basis of this lawsuit.

**Response:**

7. Admit that you know of no other witnesses to the car crash.

**Response:**

8. Admit that an immediate family member (spouse, siblings, parents, and children) has been injured in a car wreck before.

**Response:**

9. Admit that you should always wait until traffic is clear when turning left on an unprotected (without an arrow) green light.

**Response:**

## VERIFICATION

THE STATE OF TEXAS                         §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, a notary public, on this day personally appeared OSCAR LARA, who being by me duly sworn on his oath, deposed and said that he is duly qualified and authorized in all respects to make this Affidavit; that he has read the above and foregoing answers to interrogatories; and every statement contained in the answers is within his knowledge, and is true and correct.

OSCAR LARA

SUBSCRIBED AND SWORN TO BEFORE ME by the said **OSCAR LARA**, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016, to certify which witness my hand and official seal.

Notary Public, State of Texas

Printed/typed name of Notary

My Commission Expires:

**AUTHORIZATION FOR WIRELESS COMMUNICATION DEVICE RECORDS**

TO: \_\_\_\_\_ (Service Provider)

\_\_\_\_\_ (Address of Service Provider)

\_\_\_\_\_

RE: **OSCAR LARA**

ACCOUNT NO. \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_ (if different from account number)

TIME PERIOD OF RECORDS REQUESTED: 02/01/2015 -02/29/2015

This is to authorize and direct the above named company who has issued, sold, rented, or leased any form of cellular, pager or other wireless communication device(s) and/or provided services to me, **OSCAR LARA**, to furnish the law firm of **THE GREEN LAW FIRM, P.C.**, or any of its representatives, any and all billing and usage records related to the above account during the period indicated. Such records include, but are not limited to: detailed billing information, detailed call logs and/or calls placed and received (and the time of day or night and durations of the same), or any other information pertaining to the usage of my account during the time period referenced above. I hereby waive any privilege I have to said information.

Signed the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**OSCAR LARA**

Records should be provided to:

**THE GREEN LAW FIRM, P.C.**

c/o Jorge A. Green, Esq.

34 S. Coria Street

Brownsville, Texas 78520

Telephone : (956) 542-7000

Facsimile : (956) 542-7026